

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JOHN WICHTERMAN,

Claimant,

v.

J. H. KELLY, INC.,

Employer,

and

RELIANCE NATIONAL INDEMNITY
COMPANY,

Surety,
Defendants.

IC 99-032770

ORDER

Filed: October 24, 2005

Pursuant to Idaho Code § 72-717, Referee Rinda Just submitted the record in the above-entitled matter, together with her proposed findings of fact and conclusions of law, to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant's claim for income benefits including impairment and disability is time barred pursuant to Idaho Code § 72-706;

2. Claimant has failed to carry his burden of proving a legally sufficient causal connection between his current respiratory and gastrointestinal complaints and his undisputed occupational chemical exposure and has no entitlement to further medical care.

3. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all matters adjudicated.

DATED this 24th day of October, 2005.

INDUSTRIAL COMMISSION

/s/ _____
Thomas E. Limbaugh, Chairman

/s/ _____
James F. Kile, Commissioner

/s/ _____
R.D. Maynard, Commissioner

ATTEST:

/s/ _____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of October, 2005, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

JOHN C WICHTERMAN
PO BOX 163
DEER PARK WA 99006

THOMAS P BASKIN
PO BOX 6756
BOISE ID 83707-6756

djb

/s/ _____